REMARKS

This responds to the Final Office Action mailed on September 20, 2005.

Claims 3, 6, and 24 have been canceled. Claims 1, 2, 4, 5, 7-14, 18-23, 25, and 26 have been amended. No new claims have been added. As a result, claims 1, 2, 4, 5, 7-23, and 25-27 are now pending in this application.

For the convenience of the Examiner, Applicants' remarks concerning the claims will be presented in the same order in which the Examiner presented them in the Office Action.

Amendments to Claims 1, 2, 4, 5, 7-14, 18-23, 25, and 26

Claims 1, 2, 4, 5, 7-14, 18-23, 25, and 26 have been amended. No new matter has been introduced.

Independent claim 1 has been amended by replacing the phrase "one presence rule" with the phrase "two presence rules", substituting "each" for "the", substituting "wherein a first" for "the", adding the phrase "and wherein a second condition is based on a calendar; based upon a current time and a current location of the mobile device", substituting "conditions are" for "condition is", removing the phrase "the location is determined using a hotspot access point with which the mobile device communicates", adding "either or both of", substituting "conditions are" for "condition is", substituting "corresponding states" for "state", and by making grammatical corrections to reflect these changes. Support for this language may be found, for example, at page 15, lines 16-20 of the original disclosure.

Claim 2 has been amended by substituting the phrase "the current location is determined using a hotspot-access point with which the mobile device communicates" for "the condition is based on time", previously recited in claim 1.

Claims 4 and 5 have been amended by inserting the word "current". Support for this language may be found, for example, at page 10, lines 14-16, and location 366, FIG. 3.

Independent claim 7 has been amended by replacing the phrase "a presence rule" with the phrase "at least two presence rules", and by replacing the phrase "the presence rule comprises a condition, the condition is based on a location of the mobile device, and a corresponding state,

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using a hotspot-access point with which the mobile device communicates, and to update the presence information with the corresponding state when the condition is met" with the phrase "each presence rule comprises at least a condition and a state, wherein a first condition is based on a location of the mobile device, and wherein a second condition is based on a calendar; to determine whether the conditions are met, based upon a current time and a current location of the mobile device; and, when either or both of the conditions are met, to update presence information for the mobile device with the corresponding states". Support for this language may be found, for example, at page 15, lines 16-20 of the original disclosure.

Claim 8 has been amended by replacing the phrase "the condition is based on a calendar" with the phrase "the controller is to determine the current location using a hotspot-access point with which the mobile device communicates", previously recited in claim 7.

Claim 9 has been amended by inserting the word "current". Support for this language may be found, for example, at page 10, lines 14-16, and location 366, FIG. 3.

Claim 10 has been amended by replacing the phrase "the condition is based on the location" with the phrase "the controller is to determine the current location using a Global Positioning System". Support for this language may be found, for example, at page 10, lines 14-18 of the original disclosure.

Claim 11 has been amended by replacing the phrase "further uses" with the phrase "is further to use".

Independent claim 12 has been amended by inserting the word "current", removing the phrase "using a hotspot-access point with which the mobile device communicates", adding the phrase "to determine at least two presence rules for the mobile device, wherein each presence rule comprises at least a condition and a state, wherein a first condition is based on a location of the mobile device, and wherein a second condition is based on a calendar", inserting the word "current" before "location", and adding the phrase "and the current time". Support for this language may be found, for example, at page 15, lines 16-20 of the original disclosure.

Claim 13 has been amended by replacing the phrase "further is to update the presence information based on a condition and a corresponding state, wherein the condition comprises the

location" with the phrase "is to determine the current location using a hotspot-access point with which the mobile device communicates", previously recited in claim 12.

Claim 14 has been amended by replacing the phrase "state when the condition is met" with the phrase "states when either or both of the conditions are met". Support for this language may be found, for example, at page 10, lines 11-12, and page 15, lines 16-20 of the original disclosure.

Independent claim 18 has been amended by inserting the phrase "determining at least two presence rules for a mobile device, wherein each presence rule comprises at least a condition and a state, wherein a first condition is based on a location of a mobile device, and wherein a second condition is based on a calendar; based upon a current time and a current location of the mobile device, determining whether the conditions are met; and when either or both of the conditions are met, updating presence information for the mobile device with the corresponding states" and removing the phrase "determining a presence rule for a mobile device, wherein the presence rule comprises a condition and a corresponding state, the condition is based on a location of the mobile device; determining when the condition is met; using a hotspot-access point with which the mobile device communicates; and sending the corresponding state to a presence server when the condition is met". Support for this language may be found, for example, at page 15, lines 16-20 of the original disclosure.

Claim 19 has been amended by substituting "rules" for "rule" (two occurrences), and by removing the phrase "a user of".

Claim 20 has been amended by replacing the word "rule" with "rules" (two occurrences).

Claim 21 has been amended by replacing the phrase "state is" with the phrase "states are".

Independent claim 22 has been amended by replacing the word "comprising" with the word "including", adding the word "current", removing the phrase "from hotspot access points to which the mobile devices are connected", and by replacing the phrase "a plurality of presence rules for" with the phrase "at least two presence rules for selected ones of". Support for this language may be found, for example, at page 10, lines 11-12, and page 15, lines 16-20 of the original disclosure.

Claim 23 has been amended by adding the phrase "from hotspot-access points to which the mobile devices are connected", previously recited in claim 22.

Claim 25 has been amended by inserting the word "current". Support for this language may be found, for example, at page 10, lines 14-16, and location 366, FIG. 3.

Claim 26 has been amended by substituting "devices" for "device".

Rejection of Claims 1, 2, 4, 5, 7-23, and 25-27 under 35 U.S.C. §103(a) as Unpatentable over Silver's *Unified Presence Management White Paper* and further in view of Forssen and Smyth

Claims 1, 2, 4, 5, 7-23, and 25-27 were rejected under 35 U.S.C. §103(a) as being unpatentable over Silver's *Unified Network Presence Management White Paper* and further in view of Forssen et al. (U.S. 6,031,490) and Smyth et al. (U.S. 6,347,224).

To establish a *prima facie* case of obviousness under 35 U.S.C. §103, the prior art reference (or references when combined) must teach or suggest every limitation of the claim. *In re Royka*, 490 F.2d 981, 180 USPQ 580 (CCPA, 1974). MPEP §2143.

Neither Silver nor Forssen nor Smyth discloses all of the structural elements recited in independent claims 1, 7, 12, 18, and 22, as currently amended. For example, neither Silver nor Forssen nor Smyth discloses determining <u>at least two presence rules</u>. Nor does Silver, Forssen, or Smyth disclose, for example, determining at least two presence rules wherein a first condition is based on a location of a mobile device, and wherein <u>a second condition is based on a calendar</u> (regarding independent claims 1, 7, 12, and 18).

Silver's *Unified Network Presence Management White Paper*, as best understood, describes an electronic calendar's indication of a user's availability and location, but it does not appear to describe verifying that the user's current location matches the location indicated in the calendar by requiring at least two presence rules (regarding independent claims 1, 7, 12, and 18). Nor does Silver's *Unified Network Presence Management White Paper* appear to describe, for example, a controller to determine <u>at least two presence rules</u> for selected ones of the plurality of mobile devices (regarding independent claim 22).

The asserted combination of Silver's *Unified Network Presence Management White Paper* and further in view of Forssen and Smyth fails to teach or suggest all of the claim

limitations present in independent claims 1, 7, 12, 18, and 22, so a *prima facie* case of obviousness has not been established. As was pointed out earlier, Silver's *Unified Network Presence Management White Paper* fails to disclose at least one element in each independent claim. Nor does the addition of Forssen or Smyth disclose the missing claim element.

For the above reasons, independent claims 1, 7, 12, 18, and 22 should be found to be allowable over any combination of Silver, Forssen, and Smyth, and Applicants respectfully request that the rejection of claims 1, 7, 12, 18, and 22 under 35 U.S.C. §103(a) as unpatentable over Silver's *Unified Network Presence Management White Paper* and further in view of Forssen and Smyth be withdrawn.

If an independent claim is nonobvious under 35 U.S.C. §103, then any claim depending therefrom is nonobvious. MPEP §2143.03.

Claims 2, 4, 5, 8-11, 13, 14, 19-21, 23, 25, and 26, which depend directly or indirectly from independent claims 1, 7, 12, 18, and 22, and incorporate all of the limitations therein, are also asserted to be allowable for the reasons presented above.

Additional Elements and Limitations

Applicants consider additional elements and limitations of the claims to further distinguish over the cited references, and Applicants reserve the right to present arguments to this effect at a later date.
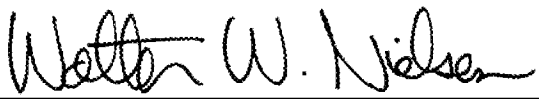
Conclusion

Applicants respectfully submit that claims 1, 2, 4, 5, 7-23, and 25-27 are in condition for allowance, and notification to that effect is earnestly requested. The Examiner is invited to telephone Applicants' attorney, Ann M. McCrackin (located in Minneapolis, Minnesota) at (612) 349-9592 or Applicants' below-signed attorney (located in Phoenix, Arizona) to facilitate prosecution of this application.

If necessary, please charge any additional fees or credit overpayment to Deposit Account No. 19-0743.

Respectfully submitted,

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By their Representatives,

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